

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**LISTING OF CLAIMS:**

1. (Currently Amended) An automotive seat assembly comprising;  
a seat cushion,  
a seat back having top and bottom portions,  
a seat frame for supporting said seat cushion and said seat back,  
a head restraint mounted to said seat frame by posts and capable of being moved between a deployed position and a retracted position, each of said posts has a plurality of notches, said head restraint comprising: [[and]]  
a control mechanism disposed within said head restraint for moving the head restraint between the deployed position and the retracted position, said control mechanism comprising a housing, a shaft pivotally mounted on said housing, said shaft being positioned and configured to engage said notches of each of said posts preventing movement of said head restraint and upon rotation of said shaft, said shaft becomes spaced from said posts enabling movement of said head restraint, and  
a biasing device disposed between said posts and said housing for continuously biasing said head restraint towards the deployed position.
- 2.-11. (Cancelled)
12. (New) The assembly according to claim 1, wherein said shaft is biased to engage said posts.
13. (New) The assembly according to claim 12, wherein said shaft has a generally circular cross section with a flat surface.